

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED

2009 MAR 26 AM 9:33

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
v.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

MICHAEL DANIEL LILLY MARTIN (1)

Case Number: 08CR0267-L

RUSSELL SHERIDAN BABCOCK

Defendant's Attorney

REGISTRATION NO. 90535111

☐

THE DEFENDANT:

☒

pleaded guilty to count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 OF THE SUPERSEDING INFORMATION

☐

was found guilty on count(s)

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Count
Number(s)

Title & Section	Nature of Offense
18 USC 2113(a)	BANK ROBBERY AND
AND 18 USC 2	AIDING AND ABETTING

1S -10S

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐

The defendant has been found not guilty on count(s)

☒

Count(s) UNDERLYING

is ☐ are ☒ dismissed on the motion of the United States.

☒

Assessment: \$1,000 (\$100 AS TO EACH COUNT)

☒

No fine

☐

Property forfeited pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

MARCH 23, 2009

Date of Imposition of Sentence

HON. M. JAMES LORENZ
UNITED STATES DISTRICT JUDGE

08CR0267-L

DEFENDANT: MICHAEL DANIEL LILLY MARTIN (1)
CASE NUMBER: 08CR0267-L

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of COUNTS ONE (1S), TWO (2S), THREE (3S), FOUR (4S), FIVE (5S), SIX (6S), SEVEN (7S), EIGHT (8S), NINE (9S), AND TEN (10S): EIGHTY (80) MONTHS AS TO EACH COUNT TO RUN CONCURRENT TO EACH OTHER FOR A TOTAL OF EIGHTY (80) MONTHS.

☒ The court makes the following recommendations to the Bureau of Prisons:

THE COURT RECOMMENDS THE DEFENDANT BE PLACED IN THE 500 HOUR DRUG TREATMENT PROGRAM.

THE COURT RECOMMENDS THE DEFENDANT BE DESIGNATED TO A FACILITY IN THE WESTERN REGION, LOMPAC, OR A FACILITY IN SAFFORD, ARIZONA.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

08CR0267-L

DEFENDANT: MICHAEL DANIEL LILLY MARTIN (1)

CASE NUMBER: 08CR0267-L

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

COUNTS ONE (1S) THROUGH TEN (10S): THREE (3) YEARS AS TO EACH COUNT TO RUN CONCURRENT TO EACH OTHER.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

08CR0267-L

DEFENDANT: MICHAEL DANIEL LILLY MARTIN (1)
CASE NUMBER: 08CR0267-L**SPECIAL CONDITIONS OF SUPERVISION**

- ☒ Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion, or voluntary departure.
- ☒ Attend Gamblers' Anonymous meetings as directed by the probation officer.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter or reside in the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☒ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☒ Notify the Collections Unit of the U.S. Attorney's Office, and the U.S. Probation Office, before the defendant transfers any interest in property owned directly or indirectly by the defendant, until any fine or restitution ordered is paid in full.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☒ Resolve all outstanding warrants/pending matters within SIXTY (60) days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of _____ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☒ Notify the Collections Unit of the U.S. Attorney's Office, and the U.S. Probation Office, of any interest in property obtained, directly or indirectly, including any interest obtained under any other name, or entity, including a trust, partnership, or corporation, until any fine or restitution ordered is paid in full.
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

DEFENDANT: MICHAEL DANIEL LILLY MARTIN (1)
CASE NUMBER: 08CR0267-L**RESTITUTION**The defendant shall pay restitution in the amount of \$37,578.00 unto the United States of America.This sum shall be paid x immediately.
as follows:

Pay restitution in the amount of \$37,578, jointly and severally with Melanie Depalmer, through the Clerk, U.S. District Court, to the following victims in the amounts specified, payable forthwith or through the Inmate Financial Responsibility Program during the period of incarceration, with the payment of any remaining balance to be made following the defendant's release from prison at the rate of \$75 per month.

Wells Fargo Bank Attention: Service Manager Lorraine Galvez 8898 Navajo Road, Suite A San Diego, California 92119	\$ 744	California Bank and Trust Attention: Mary Jo Courtney VP Corporate Security 16796 Bernardo Center Drive San Diego, California 92118	\$ 2,150
Washington Mutual Attention: Financial Center Manager Sandee Phillips 348 S. Twin Oaks Valley Road San Marcos, California 92078	\$ 1,000	Westamerica Bank B-2B 4560 Mangels Blvd. Fairfield, California 94534	\$ 1,000
Union Bank 1512 Main Street Ramona, California 92065-5239	\$ 4,000	Wells Fargo Bank Attention: Diana Duenas-Brown Branch Manager 2960 Cleveland Avenue Santa Rosa, California 95403	\$13,900
Citibank 3777 Avocado Blvd. La Mesa, California 91941	\$ 4,273		
Wachovia Bank NA Attention: Teller Manager Brad Bowled 1260 Trancas Street Napa, California 84588	\$ 1,940		
Bank of America Attention: Vincent Chen Corporate Security Manager 2020 Willow Pass Road Concord, California 94520	\$ 6,621		